GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

STARRED QUESTION NO:638
ANSWERED ON:09.05.2002
SPEEDY AND INEXPENSIVE LEGAL MOVEMENT
AVSM, BRIG.(RETD.) KAMAKHYA PRASAD SINGH DEO

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Government are considering result oriented speedy and inexpensive legal movement for the benefits of the weaker section; and

(b) if so, the steps taken in this direction?

Answer

MINISTER OF LAW, JUSTICE & COMPANY AFFAIRS (SHRI ARUN JAITLEY)

(a) & (b) A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO LOK SABHA STARRED QUESTION NO.638 TO BE ANSWERED ON 9.5.2002.

(a) & (b)
(i) At present, the Lok Adalats can settle disputes only on the basis of compromise or settlement among the parties. If the parties do not arrive at a settlement, the case is either returned to the court of law or the parties are advised to seek remedy in a court of law. To remove this drawback, it has been decided to add a new chapter in the Legal Services Authorities Act, 1987, which will facilitate setting up of permanent Lok Adalats for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to public utility services. A Bill to this effect has already been introduced in Lok Sabha.The National Legal Services Authority or the State Legal Services Authority, as the case may be, may establish permanent Lok Adalat at such places and in such numbers as may be expedient to enable the Lok Adalats to exercise its jurisdiction in respect of one or more public utility services as necessary from time to time. The permanent Lok Adalats would have jurisdiction regarding public utility services such as transport (air, road, water), postal, telegraph or telephone, power, water, sanitation, hospitals and insurance. To avoid prolonged litigation it has also been proposed that the award made by the Lok Adalat shall be final, binding and shall not be questioned in any original suit, application or execution proceeding. The jurisdiction of the Lok Adalats would be limited to cases upto a monetary value of Rs.10 lakhs. Under clause 22C of the Legal Services Authorities (Amendment) Bill, 2002 which is yet to be passed by Parliament, Government has power to increase the limit of ten lakh rupees in consultation with National Legal Services Authority. After the Bill is passed, the scheme of setting up of permanent Lok Adalats for providing compulsory pre-litigative mechanism will come into being. The setting up of these permanent Lok Adalats will result in speedy and inexpensive justice to the weaker sections.

(ii) According to Section 12 of the Legal Services Authorities Act, 1987 (39 of 1987), every person who has to file or defend a case shall be entitled to legal services if that person is -

(a) a member of a Scheduled Caste or Scheduled Tribe;

(b) a victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution;

(c) a woman or a child;

(d) a mentally ill or otherwise disabled person;

(e) a person under circumstances of underserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or

(f) an industrial workman; or

(g) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention Act, 1956, or in a juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986 in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987; or

(h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

The Central Authority constituted under Section 3 of the said Act is taking steps to establish vibrant legal aid programmes such as

promotion of legal literacy, setting up of legal aid clinics in universities and law colleges, training of para-legals, and holding of legal aid camps and Lok Adalats. The National Legal Services Authority (NALSA) is also formulating policies and schemes to achieve the aims and objects of the Act.

The National Legal Services Authority provides grants-in-aid to the State Legal Services Authorities and the Supreme Court Legal Services Committee for providing legal assistance to the needy applicants, who fulfill the criterion laid down for the purpose under Section 12 of the Act. During the years 1998-99, 1999-2000 and 2000-01, a sum of Rs.2,45,89,000/-, 2,54,50,000/- and 3,32,55,000/- respectively have been released. A detailed statement is appended.